

1 (2:55 p.m.)

2 **MR. GOLDSTEIN:** Good afternoon, ladies and gentlemen.
3 On behalf of Mr. Russell, I would also like to thank you for
4 the time and consideration that you've given this case. Your
5 sacrifice over the past week plus has been critical to us being
6 able to have this trial.

7 Shortly, you're going to be asked to go back into the jury
8 room and do your most important task in this case, and that's
9 to render a fair and lawful verdict based upon the evidence
10 that's been presented to you in this case. A verdict not based
11 upon your feelings, but based upon what you've seen and what
12 you've heard as it relates to this alleged conspiracy. And
13 you'll have to determine whether the government has reached
14 their burden of proof beyond a reasonable doubt.

15 And I told you on opening statement that they would not,
16 and I would submit to you now that they have not.

17 The overwhelming evidence in this case shows that Sarah
18 Beth Clendaniel and an informant Christopher Jackson planned to
19 carry out an attack on multiple power stations in the Greater
20 Baltimore area. He was the driver, she was the shooter. Just
21 the two of them carrying out a plan Sarah Clendaniel was going
22 to carry out on her own, if you recall from the testimony she
23 said that multiple times. She was going to do it on her own
24 before coming into contact with Mr. Jackson.

25 Brandon Russell remained in Orlando, Florida, many miles

1 away and never intended to participate in this terrible attack.
2 So why are we here?

3 I would submit to you that we are here because the
4 government wanted to get Brandon Russell, former leader of the
5 Atomwaffen Division, public enemy number one.

6 According to Mr. Jackson, he crossed paths with Brandon
7 Russell in an online chatroom where like-minded national
8 socialists were talking about accelerationism and the
9 destruction of critical infrastructure. Through his
10 conversation with Brandon, he learned of a woman in Maryland,
11 Sarah Clendaniel, who planned to attack the Baltimore power
12 grid. It's what she was planning to do alone. It was what
13 Brandon Russell had never planned to do or to participate in.

14 Special Agent Burns told you that she began her
15 investigation of Sarah Clendaniel when the FBI became aware of
16 a convicted felon who was trying to obtain a firearm. They
17 searched her house. They developed their case against Sarah
18 and they had her. But that was not enough for them.

19 They kept going back to Brandon to try to get him to
20 implicate himself in this conspiracy because the government
21 doesn't like him. He's an alleged leader of Atomwaffen
22 Division. That was abandoned in 2013. But they don't like the
23 things that he says. They don't like the things that he talks
24 about. He's a target. And they felt when they made that
25 connection to Brandon Russell that they struck gold.

1 And they sent Mr. Jackson back over and over again to pump
2 Brandon Russell for information, trying to get him to implicate
3 himself in this conspiracy, asking Brandon Russell about the
4 substations.

5 And what did Mr. Russell tell Mr. Jackson on at least two
6 occasions when he was asking specifics about what substation
7 should be attacked? "Look at the map, Dude."

8 Mr. Jackson had the information already. He had the
9 information that was available on openinframap.org, a website
10 that is publicly available to anyone with a cell phone or a
11 computer and an internet connection. He had the information
12 already, but he wanted Brandon to do more, the FBI wanted
13 Brandon to do more. But despite his best efforts, Mr. Jackson
14 was unable to get Brandon Russell to do anything that would
15 make him guilty of participating in this conspiracy between
16 Mr. Jackson and Sarah Clendaniel acting as a tandem.

17 Remember what the government told you during opening
18 statement, the conspiracy is the agreement, the agreement to
19 participate in a criminal act. Here, to destroy energy
20 facilities.

21 But Brandon Russell never agreed to do anything. He never
22 went to Maryland. He didn't arm himself. He never planned to
23 go to Baltimore.

24 Ladies and gentlemen, Brandon Russell was not a
25 participant. He was not a co-conspirator. He was a

1 cheerleader. As terrible as that sounds that's what he was,
2 and that is not illegal.

3 Judge Bredar will instruct you that you have to judge the
4 case based upon the evidence and the law and that your feelings
5 about Mr. Russell's beliefs and the awful things he says cannot
6 play a part in your verdict. The fact that he circulated
7 materials like "Make It Count," which the government is trying
8 to insinuate Mr. Russell wrote, although there's absolutely no
9 proof of that, and items like *Siege* that have nothing to do
10 with this case. This evidence was introduced for the sole
11 purpose of getting you to dislike Mr. Russell because, after
12 all, it's much easier to convict a person if you don't like
13 them.

14 But that's not what this is about. Brandon Russell is
15 charged with a very specific crime. The government has to
16 prove the elements of the crime beyond and to the exclusion of
17 every reasonable doubt, and they have failed to do so.

18 This is not a popularity contest, ladies and gentlemen.
19 If it were, we wouldn't be standing here right now. The only
20 decision you have to make in this case is whether Brandon
21 Russell agreed to participate with Sarah Clendaniel in the
22 destruction of an energy facility. The overwhelming evidence
23 shows that this simply was not the case.

24 Even the government's star witness, Mr. Jackson, when
25 pressed on cross-examination, told you that Brandon never

1 agreed to participate in this attack, never. So why are we
2 here? We're here because the government wanted to get Brandon
3 and they saw their opportunity, and they tasked Mr. Jackson
4 with making it happen. But it didn't happen.

5 Throughout the trial the government has tried to confuse
6 you, to get you to look past the law and make a decision based
7 upon your feelings. They've tried to imply that all of those
8 saved text messages that we saw on Friday, that that somehow
9 was an ongoing conversation with Brandon, until I objected and
10 I pointed out these were items that Ms. Clendaniel saved on her
11 phone. This was not a conversation. These items came from
12 whoever she was talking to, Mr. Russell, Mr. Jackson, whoever
13 else was in these chatrooms and wherever else she was
14 communicating.

15 Let me give you an example to put this into context.
16 Let's say that person A wants to illegally grow marijuana
17 plants for sale. Now, I know growing marijuana in Maryland is
18 legal. I think you're allowed to grow two plants. But this
19 person A, they want to grow more than they're allowed to. They
20 want to sell large quantities of marijuana.

21 Now, person B thinks that's a very cool idea and cheers
22 them on. Even goes to a website where you can purchase
23 marijuana seeds and he sends a copy of that to person A. He
24 sends instructions he finds online on the best way to grow the
25 best marijuana possible, and he shares them.

1 Does that make person B a co-conspirator to illegally grow
2 marijuana? Of course not. Person B had no intention of
3 growing marijuana himself. No intent of undertaking the
4 action. That makes him a cheerleader, not a co-conspirator.
5 And this is the exact same logic you should use when examining
6 the facts of this case.

7 Person B, just like Brandon Russell, is no more than a
8 cheerleader and that does not make him a participant in a
9 conspiracy to damage energy facilities.

10 Let's go back to opening statements last week and recall
11 what I told you the evidence would show. I told you the
12 evidence would show that Sarah Beth Clendaniel was a
13 self-proclaimed socialist -- national socialist rather -- and
14 she was under the misguided impression that she was dying and
15 only had months to live. She had beliefs similar to Brandon
16 Russell regarding the state of affairs in society today about
17 accelerationism and the belief that there's a need for a reset
18 of society. And I told you that Sarah decided that the best
19 way for her to further her cause was to attack critical
20 infrastructure and create this cascading failure of power.
21 Something that would essentially cripple society. And I told
22 you that this is something that she discussed with her
23 then-boyfriend, Mr. Russell.

24 I also told you Brandon Russell was a national socialist
25 and he shares the same beliefs. Not only does he hold those

1 beliefs, but he speaks about them openly with other like-minded
2 individuals. You'll recall Dr. Perliger was the first
3 individual to testify in this case. He testified about this
4 issue, and what did he tell you? Not everyone who holds
5 accelerationist's views acts on them. That is the government's
6 own witness.

7 The person who wanted to act was Sarah Clendaniel because
8 she thought she was dying and she thought that this would be
9 one, great heroic act for her to undertake, something to be
10 remembered by. As crazy as that sounds, that was her
11 motivation.

12 And I told you that you would see lots of chat messages
13 where both Brandon and Sarah and others were espousing these
14 Neo-Nazi views to one another on line. I told you that these
15 beliefs were repulsive to most and it would make you angry, but
16 I asked you to set your personal feelings aside. I told you
17 that the evidence would show that this conspiracy consisted of
18 two individuals, Sarah Clendaniel and a person working for the
19 government who we now know as Mr. Jackson, an individual the
20 government paid tens of thousands of dollars for working for
21 the FBI in an effort to trap Brandon Russell to make him a part
22 of this conspiracy.

23 Sarah Clendaniel and Mr. Jackson planned to target and
24 destroy five power substations throughout the Greater Baltimore
25 area. That is the conspiracy that we're here about. Not

1 obtaining a firearm for a convicted felon, not mylar balloons,
2 or any of the other irrelevant information the government
3 concentrated on in their case.

4 Sarah and Mr. Jackson discussed this plot at length,
5 talking about how and when they were going to do it. They,
6 being Mr. Jackson and Ms. Clendaniel, Mr. Jackson would be the
7 driver and Ms. Clendaniel would be the one with the rifle. And
8 the plan was for the two of them to shoot out transponders
9 which would disable the power grid and create chaos.

10 Mr. Jackson agreed to obtain or make a rifle and other
11 items for Sarah and the two of them planned to carry out this
12 attack together. Just the two of them. And that's exactly
13 what the evidence has shown, ladies and gentlemen.

14 I told you that Brandon Russell, on the other hand, was
15 never in Maryland, never planned to be in Maryland, never
16 discussed traveling to Maryland to participate in this
17 conspiracy. Throughout the entirety he was in Orlando,
18 Florida, many miles away. He was not involved in the
19 conspiracy. He talked, he discussed, but he was not a
20 participant. He was not going to participate in this act. He
21 was not to be involved.

22 Even Sarah Clendaniel said this during her conversation
23 with Mr. Jackson who continually asked her what Raccoon thinks
24 about this, what Raccoon told her. And what did Sarah
25 Clendaniel say to Mr. Jackson? I try to keep him out of these

1 things. This was her plot. This was something she wanted to
2 do before she died. And Mr. Jackson represented himself as
3 someone who also wanted to do that, for whatever his reasons
4 were.

5 The government has gone to great lengths to try and tie
6 Brandon into this conspiracy because he is the one they really
7 wanted. He's the one they were targeting. They went to great
8 lengths to elicit information through Mr. Jackson about their
9 failed attempt to draw him into this conspiracy.

10 As I told you, Brandon did provide information, however,
11 every single bit of information that Brandon Russell supplied
12 to Mr. Jackson or Ms. Clendaniel was publicly available
13 information. All you have to do is go on the internet.
14 Sharing public information is not illegal. It's actually
15 constitutionally protected speech.

16 I told you that the government would spend an inordinate
17 amount of time in trying this case to get you to dislike
18 Mr. Russell in hopes that that would overcome the lack of
19 evidence and that you would somehow be convinced that he was
20 going to participate in this conspiracy.

21 I told you we don't put people in jail for answering
22 questions, which could just as easily be answered by Google.
23 We don't put people in jail for their beliefs. And we don't
24 put people in jail for the things they say.

25 There is not a scintilla of evidence that Brandon Russell

1 was going to participate in this terrible act, just Sarah
2 Clendaniel and Mr. Jackson, a team of two.

3 I told you that the evidence would show that the
4 confidential human source, Mr. Jackson, pumped Mr. Russell for
5 information and encouraged him to make incriminating statements
6 because they wanted him to be a co-conspirator. Sure, they
7 wanted to arrest Sarah, but the one they really disliked and
8 the one they really wanted to target was Brandon Russell.

9 Despite their best efforts they were unable, Mr. Jackson
10 was unable to persuade Mr. Russell to do anything to make
11 himself a co-conspirator. He never agreed to participate, and
12 he certainly never made any effort whatsoever to travel to
13 Baltimore.

14 When they searched his house, they didn't find guns, they
15 didn't find 950 rounds of ammunition because he wasn't going to
16 participate. This was a setup from the very beginning.
17 Mr. Jackson went to great lengths to draw him in and encourage
18 Ms. Clendaniel to do the same. He consistently tried to get
19 Ms. Clendaniel to elicit information from Mr. Russell that he
20 insisted he needed. He saw the connection between Sarah and
21 Brandon, someone the government doesn't like, which I'm sure
22 they made very clear to him in their briefings when they told
23 him what to do and how to do it.

24 But this is something Sarah Clendaniel wanted to
25 accomplish. Something she told Christopher Jackson she was

1 determined to do on her own and would have done on her own but
2 for meeting him. Mr. Russell was never supposed to be
3 involved.

4 When Jackson asked if Raccoon had given her a target, her
5 response was "No, but I've got ones. I've researched." She
6 also said, again, that she keeps him out of it, he's not a part
7 of it.

8 And when she sent Mr. Jackson the five locations, she said
9 to him, "Take a look and see if you can figure out what I want
10 to do." Never did Sarah suggest that Brandon Russell was
11 involved. Quite to the contrary. She showed Jackson the ring
12 around Baltimore and told him that the attack on these five
13 substations would permanently lay this city to waste. This was
14 her last, final plan, the thing that she wanted to be
15 remembered for.

16 At the end of the day Sarah Clendaniel was the person who
17 conspired with the government's confidential source.

18 Now, you can't really conspire with the government's
19 source. And Judge Bredar will read you an instruction. If you
20 want to make a note of it, it's instruction 34A in the jury
21 instructions that you'll be given. There's no such thing as a
22 conspiracy with a government employee because they're not
23 really agreeing to act.

24 So the government not only wanted Brandon Russell but they
25 needed another person to actually make this a conspiracy at

1 all. You can't have a conspiracy between Brandon Russell and
2 Christopher Jackson. You can't have a conspiracy between Sarah
3 Clendaniel and Christopher Jackson, not under the law.

4 At the end of the day, they had the goods on Sarah and her
5 plot and that should have been it. But the government realized
6 that Sarah Clendaniel had a relationship with Brandon Russell
7 and the government wanted to get him. They had him in his
8 crosshairs and this, to them, was an opportunity.

9 So instead of simply arresting Sarah Clendaniel, they drew
10 this entire scenario out in a failed attempt to try to
11 implicate Brandon Russell. And that is why we're here today.

12 Despite their best efforts, the government has been unable
13 to present any evidence to support their theory that
14 Mr. Russell somehow agreed to participate in this attack and
15 that's because it simply didn't happen.

16 Now, when I sit down, the government's going to have an
17 opportunity to come up and speak to you one last time. They
18 get the last word. And I would submit to you that that's a
19 very powerful advantage because I can't get up here and contest
20 what they say.

21 So I would ask, when the government is up here during
22 their final argument to you that you think to yourselves, what
23 would Mr. Goldstein say? How would he respond if he had an
24 opportunity to stand up here and address us one last time?

25 Ladies and gentlemen, if you do your job as jurors, if you

1 take your emotions and your personal feelings out of the
2 equation, your decision in this case is an easy one. Brandon
3 Russell never agreed to participate in the conspiracy, this
4 specific act that Sarah Clendaniel planned to undertake first
5 alone and then with the assistance of Christopher Jackson.

6 Importantly, Judge Bredar will instruct you that the fact
7 that Brandon Russell discussed common interests with Sarah and
8 with Mr. Jackson does not establish membership in a conspiracy.
9 People can talk about all of the bad things that they want to
10 do. It's not a conspiracy unless they agree to actually do it.

11 The government has failed to meet their burden of proof,
12 ladies and gentlemen, and regardless of what you think about
13 Brandon Russell, his ideas, and the things he reads and the
14 things he says, he was not a participant, he is not a
15 co-conspirator, and he is not guilty.

16 Thank you.

17 (End of excerpt.)
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CERTIFICATE OF OFFICIAL REPORTER

I, Ronda J. Thomas, Registered Merit Reporter, Certified Realtime Reporter, in and for the United States District Court for the District of Maryland, do hereby certify, pursuant to 28 U.S.C. § 753, that the foregoing is a true and correct transcript of the stenographically-reported proceedings held in the above-entitled matter and the transcript page format is in conformance with the regulations of the Judicial Conference of the United States.

Dated this 17th day of March 2025.

Ronda J. Thomas

Ronda J. Thomas, RMR, CRR
Federal Official Reporter

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